

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(MBHB 97-195-P)

In re the Application of:

Burg *et al.*

Application No: 09/901,181

Filed: July 9, 2001

For: Improved Nucleic Acid Assays

)
)
) Group Art Unit: 1637

)
) Examiner: Kim

)
) Conf. No.: 6516

RESPONSE AFTER FINAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Sir:

This paper is filed in response to the Advisory Action dated April 17, 2007, in the above-identified application. It is believed that no fee is due in connection with this filing; however, the Commissioner is authorized to charge our deposit account 13-2490 is a fee is necessary.

Remarks begin on page 2 of this paper.

Rejection of Claim 15, 16, and 24 Under 35 U.S.C. §112, second paragraph

The advisory action of April 17, 2007 indicates that this rejection has been withdrawn.

Rejection of Claims 10, 11-13, 14-16, 17, 19-36 Under the Judicially Created

Doctrine of Obviousness-Type Double Patenting

Claims 10, 11-13, 14-16, 17, 19-26 stand rejected under the judicially-created doctrine of obviousness-type double patenting over U.S. Patent No. 6,300,068 alone or in combination with another document.

While not in agreement with the Office Action on this rejection, Applicants, in the interest of efficient prosecution of this application, hereby submit a terminal disclaimer over U.S. Pat. No.6,300,068. It is Applicants' belief that the filing of this terminal disclaimer puts the application in condition for allowance.

A notice of appeal is due to be filed in this application by May 1, 2007. If an extension of time is required to enter this terminal disclaimer the Commissioner is authorized to charge our deposit account number 13-2490 for the extension of time fee.

Conclusion

In view of the foregoing remarks, the applicant submits that the claims are in condition for allowance, which is respectfully solicited. If the examiner believes a teleconference will advance prosecution, he is encouraged to contact the undersigned as indicated below.

Respectfully submitted,

Date: 4/27/07

By: /Lisa M.W. Hillman/

Lisa M.W. Hillman, PhD
Reg. No. 43,673
217-239-1962